

REMARKS:

In the foregoing amendments, claims 4-6 were canceled, and claims 7-9 were added to the application. Claims 1-3 were previously canceled. Accordingly, claims 7-9 are in the application for consideration by the examiner at this time. New claims 7-9 correspond to previously presented claims 4-6. The new claims define, *inter alia*, first and second electronic devices being arranged within the construction machine and including devices for monitoring the construction machine, controlling the construction machine, displaying information about the construction machine, or inputting information into the construction machine. The new claims further define that the first and second electronic devices respectively use at least one of different first and second communication protocols. These claims still further include allocating a first frame format to the first communication protocol of the first electronic device and a second frame format to the second communication protocol of the second electronic device, the first and second frame formats having a different header length, and an electronic device or means therefor. Additionally, these claims include identifying the first and second communication protocols communicating on the multiplex transmission serial communication line by the different header lengths of the first and second frame formats, and an electronic device or means therefor.

Applicant greatly appreciates the courtesies extend to the undersigned by Examiners Andrew Wahba and Brian D. Nguyen in a personal interview on April 19, 2005. During the personal interview with the examiners, proposed amendments to claim 4 were discussed. The examiners generally agreed that the proposed amendments to claim 4 distinguished applicant's claimed invention from the teachings of Nishimura. However, the examiners stated that proposed amended claim 4 may be somewhat broad and could possibly read on data transmission systems that are known in the art, but not necessarily in the construction machines area. The undersigned suggested that the examiners cite such a reference for applicant's consideration. Examiner Wahba stated if the claim was amended to define that the electronic devices were arranged in a construction machine and to define a correlation between the devices shown in Fig. 1 of the present application, such a claim would have a good chance of patentability. In the foregoing amendments, claims 7-9 were added to the application along the lines as suggested. It is respectfully submitted that these claims define patentable subject matter for the reasons set forth in the personal interview and for the reasons set forth below.

Claims 4-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 5,646,941 of Nishimura *et al.* (Nishimura). The Official action stated that Nishimura discloses a digital data transmission system in which various devices (electronic devices) transmit a variety of data such as

NYSC, PAL and MPEG (plurality of communication protocols) connected through a bus (multiplex transmission serial communication line) (column 9, lines 2-15). The Official action continued that Nishimura further determines the format (frame format) of the data header via format flag(s) to indicate the length of the header (header lengths) (column 5, lines 12-53). The Official action continued that applicant illustrates the difference between protocol A and protocol B as being a difference between the length of the header portion of the data packet, while the payload remains the same in both (applicant figures 2 and 6 as described on page 13-14 and 19-20).

Applicant respectfully submits that the teachings of Nishimura do not disclose or suggest the invention as set forth in claims 7-9 within the meaning of 35 U.S.C. § 102 or 35 U.S.C. § 103 for at least the following reasons.

The presently claimed invention respectively allocates a different or an individual frame format (of the different or individual communication protocols) with a different header length and respectively identifies the different or individual communication protocols by the different header lengths of the different or individual frame formats. In particular, claims 7-9 include, *inter alia*, allocating a first frame format to the first communication protocol of the first electronic device and a second frame format to the second communication protocol of the second electronic device, the first and second frame formats having a different header length, and an electronic device or means therefor.

Nishimura does not contemplate or suggest this arrangement. The teachings of the Nishimura propose the use of header components (Hc) for defining the format pattern of the header. Nishimura proposes the use of one or more header components (Hc) for defining the format pattern of the header.

Accordingly, it appears that the teachings of Nishimura propose the use of different header lengths. However, Nishimura never uses, contemplates, or suggest the length of the header, itself, for distinguishing the format pattern of the header or data associated therewith.

The Official action stated that a change in header length is a change in protocol. This is true in applicant's claim 7-9, but not true within the teachings of Nishimura. Figures 6A and 6B in Nishimura define first and second header formats, but have the same header length. Figures 6C-6F in Nishimura define third, fourth, fifth, sixth, seventh, and eighth header formats, but have the same header length. Therefore, it is impossible for the teachings of Nishimura to contemplate or suggest allocating a first frame format to the first communication protocol of the first electronic device and a second frame format to the second communication protocol of the second electronic device, where the first and second frame formats have a different header length, as required in method claim 7 or by the electronic device or means required in claims 8 or 9. Similarly, it is impossible for the teachings of Nishimura to contemplate or suggest identifying the first and second communication

protocols in communications on the multiplex transmission serial communication line by the different header length of the first and second frame formats, as required in method claim 7 or by the electronic device or means required in claims 8 or 9.

In addition, the teachings of Nishimura have nothing to do with a construction machine, devices arranged within or in connection with construction machine, communication among devices arranged within or in connection with construction machine along a serial communication line, etc. Therefore, applicant respectfully submits that it is impossible for the teachings of Nishimura to contemplate or suggest, *inter alia*, the coexistence of communications by a plurality of different communication protocols on a multiplex transmission serial communication line including at least one of different first and second communication protocols associated with first and second electronic devices that are arranged within the construction machine and include devices for monitoring the construction machine, controlling the construction machine, displaying information about the construction machine, or inputting information into the construction machine, as required in claims 7-9.

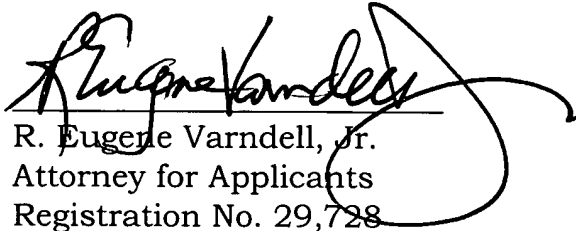
For the foregoing reasons, applicant respectfully submits that claims 7-9 are patently distinguishable from the teachings of Nishimura. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the

rejection of the claims over the teachings of Nishimura as set forth in the outstanding Office action.

For the foregoing reasons, a formal allowance of claims 7-9 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
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